

IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE EASTERN DISTRICT OF VIRGINIA

ALEXANDRIA DIVISION

|                          |   |                                   |
|--------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA | ) |                                   |
|                          | ) |                                   |
| v.                       | ) | Criminal. No.                     |
|                          | ) |                                   |
| MARLENE DARK,            | ) | Counts 1-8: 18 U.S.C. §§ 2314, 2  |
|                          | ) | (Transportation of Stolen         |
| Defendant.               | ) | Securities)                       |
|                          | ) | Counts 9-14: 18 U.S.C. §§ 1341, 2 |
|                          | ) | (Mail Fraud)                      |

INDICTMENT

September 2002 Term - At Alexandria

THE GRAND JURY CHARGES THAT:

Introductory Allegations

At all times material to this indictment, or as specified below:

1. Beginning in or about February 8, 1999, and continuing until in or about July 31, 2001, defendant Marlene Dark was employed by Goodwill Industries International, Inc. ("Goodwill Industries").

2. Goodwill Industries is a charitable organization that serves people with workplace disadvantages and disabilities by providing job training and employment services.

3. Defendant Marlene Dark was employed in the Bethesda, Maryland office of Goodwill Industries as an accounting supervisor.

4. In her position as the accounting supervisor, defendant Marlene Dark had access to the checks of Goodwill Industries, including the accounts maintained at CitiBank (Maryland) N.A. with offices in Bethesda, Maryland, and SunTrust Bank with offices in Richmond, Virginia.

5. Defendant Marlene Dark also had access to the records and documents reflecting the balance maintained in the checking accounts at CitiBank and SunTrust.

6. Defendant Marlene Dark was not authorized to sign checks or make withdrawals from the Goodwill Industries checking accounts.

7. As a primary member of Navy Federal Credit Union ("NFCU"), defendant Marlene Dark opened, or caused to be opened, accounts numbered 1358909-711 (checking) and 1358908-109 (savings) in the name of "GWC," an acquaintance and roommate. "GWC" was listed as the brother of defendant Dark.

8. Defendant Marlene Dark had access to accounts numbered 1358908-711 (checking) and 1358908-109 (savings) in the name of "GWC" at NFCU which had an office located in Vienna, Virginia.

9. Beginning in or about July, 2000 and continuing until in or about July, 2001, defendant Marlene Dark made unauthorized withdrawals from the Goodwill Industries checking accounts at Citibank and SunTrust.

10. Defendant Marlene Dark made and altered, or caused to

be made and altered, Goodwill Industries checks by removing the genuine payees' names and substituting "GWC" as the payee.

Defendant Dark would endorse the checks with the name "GWC," and represent that they were authorized check payments on the Goodwill Industries checking accounts.

11. Defendant Marlene Dark deposited, or caused the deposit of, the Goodwill Industries checks to the "GWC" accounts at NFCU, with corporate offices and facilities in Vienna, Virginia. Defendant Dark would certify the deposit transactions, or cause the deposit transactions to be certified, with the initials "M.C." on the deposit receipts.

12. Defendant Marlene Dark made in excess of \$190,000 of unauthorized withdrawals from the accounts of Goodwill Industries. Defendant Dark used these monies for personal expenses and payments.

#### COUNT ONE

(Transportation of Stolen Securities)

THE GRAND JURY FURTHER CHARGES THAT:

13. The contents of paragraphs one through eleven of this Indictment are hereby realleged and incorporated by reference, as if set forth in full.

14. On or about the 2<sup>nd</sup> day of August 2000, in the Eastern District of Virginia, defendant Marlene Dark, with unlawful and fraudulent intent, did transport and willfully cause to be

transported in interstate commerce from Vienna, Virginia to Weehauken, New Jersey to Bethesda, Maryland, a falsely made and forged security, that is, a check, number 6594, drawn on the account of Goodwill Industries, dated July 24, 2000, in the amount of \$2,450, made payable to a person with the initials "GWC," knowing the same to be falsely made and forged.

(In violation of Title 18, United States Code, Sections 2314 and 2).

COUNT TWO

(Transportation of Stolen Securities)

THE GRAND JURY FURTHER CHARGES THAT:

15. The contents of paragraphs one through eleven of this Indictment are hereby realleged and incorporated by reference, as if set forth in full.

16. On or about the 3<sup>rd</sup> day of November 2000, in the Eastern District of Virginia, defendant Marlene Dark, with unlawful and fraudulent intent, did transport and willfully cause to be transported in interstate commerce from Vienna, Virginia to Weehauken, New Jersey to Bethesda, Maryland, a falsely made and forged security, that is, a check, number 7704, drawn on the account of Goodwill Industries, dated October 26, 2000 in the amount of \$2,200, made payable to a person with the initials "GWC," knowing the same to be falsely made and forged.

(In violation of Title 18, United States Code, Sections 2314 and 2).

COUNT THREE

(Transportation of Stolen Securities)

THE GRAND JURY FURTHER CHARGES THAT:

17. The contents of paragraphs one through eleven of this Indictment are hereby realleged and incorporated by reference, as if set forth in full.

18. On or about the 20<sup>th</sup> day of November 2000, in the Eastern District of Virginia, defendant Marlene Dark, with unlawful and fraudulent intent, did transport and willfully cause to be transported in interstate commerce from Vienna, Virginia to Weehauken, New Jersey to Bethesda, Maryland, a falsely made and forged security, that is, a check, number 7975, drawn on the account of Goodwill Industries, dated November 16, 2000, in the amount of \$2,200, made payable to a person with the initials "GWC," knowing the same to be falsely made and forged.

(In violation of Title 18, United States Code, Sections 2314 and 2).

COUNT FOUR

(Transportation of Stolen Securities)

THE GRAND JURY FURTHER CHARGES THAT:

19. The contents of paragraphs one through eleven of this Indictment are hereby realleged and incorporated by reference, as if set forth in full.

20. On or about the 11<sup>th</sup> day of December 2000, in the Eastern District of Virginia, defendant Marlene Dark, with unlawful and fraudulent intent, did transport and willfully cause to be transported in interstate commerce from Vienna, Virginia to Weehauken, New Jersey to Bethesda, Maryland, a falsely made and forged security, that is, a check, number 8036, drawn on the account of Goodwill Industries, dated December 8, 2000, in the amount of \$2,200, made payable to a person with the initials "GWC," knowing the same to be falsely made and forged.

(In violation of Title 18, United States Code, Sections 2314 and 2).

COUNT FIVE

(Transportation of Stolen Securities)

THE GRAND JURY FURTHER CHARGES THAT:

21. The contents of paragraphs one through eleven of this Indictment are hereby realleged and incorporated by reference, as if set forth in full.

22. On or about the 22<sup>nd</sup> day of January 2001, in the Eastern District of Virginia, defendant Marlene Dark, with unlawful and fraudulent intent, did transport and willfully cause to be transported in interstate commerce from Vienna, Virginia to Weehauken, New Jersey to Bethesda, Maryland, a falsely made and forged security, that is, a check, number 8103, drawn on the account of Goodwill Industries, dated January 17, 2001, in the amount of \$2,494.30, made payable to a person with the initials "GWC," knowing the same to be falsely made and forged.

(In violation of Title 18, United States Code, Sections 2314 and 2).



COUNT SIX

(Transportation of Stolen Securities)

THE GRAND JURY FURTHER CHARGES THAT:

23. The contents of paragraphs one through eleven of this Indictment are hereby realleged and incorporated by reference, as if set forth in full.

24. On or about the 12<sup>th</sup> day of July 2001, in the Eastern District of Virginia, defendant Marlene Dark, with unlawful and fraudulent intent, did transport and willfully cause to be transported in interstate commerce from Vienna, Virginia to Bethesda, Maryland, a falsely made and forged security, that is, a check, number 11280, drawn on the account of Goodwill Industries, dated July 6, 2001, in the amount of \$2,200, made payable to a person with the initials "GWC," knowing the same to be falsely made and forged.

(In violation of Title 18, United States Code, Sections 2314 and 2).

COUNT SEVEN

(Transportation of Stolen Securities)

THE GRAND JURY FURTHER CHARGES THAT:

25. The contents of paragraphs one through eleven of this Indictment are hereby realleged and incorporated by reference, as if set forth in full.

26. On or about the 16<sup>th</sup> day of July 2001, in the Eastern District of Virginia, defendant Marlene Dark, with unlawful and fraudulent intent, did transport and willfully cause to be transported in interstate commerce from Vienna, Virginia to Bethesda, Maryland, a falsely made and forged security, that is, a check, number 11276, drawn on the account of Goodwill Industries, dated July 12, 2001, in the amount of \$1,728, made payable to a person with the initials "GWC," knowing the same to be falsely made and forged.

(In violation of Title 18, United States Code, Sections 2314 and 2).

COUNT EIGHT

(Transportation of Stolen Securities)

THE GRAND JURY FURTHER CHARGES THAT:

27. The contents of paragraphs one through eleven of this Indictment are hereby realleged and incorporated by reference, as if set forth in full.

28. On or about the 27<sup>th</sup> day of July 2001, in the Eastern District of Virginia, defendant Marlene Dark, with unlawful and fraudulent intent, did transport and willfully cause to be transported in interstate commerce from Vienna, Virginia to Bethesda, Maryland, a falsely made and forged security, that is, a check, number 11279, drawn on the account of Goodwill Industries, dated June 30, 2001, in the amount of \$1,021, made payable to a person with the initials "GWC," knowing the same to be falsely made and forged.

(In violation of Title 18, United States Code, Sections 2314 and 2).

COUNTS SEVEN THROUGH TWELVE

(Mail Fraud)

THE GRAND JURY FURTHER CHARGES THAT:

29. The contents of paragraphs one through eleven of this Indictment are realleged and incorporated herein by reference as though set forth in full, as constituting and describing defendant Marlene Dark's scheme and artifice to defraud and to obtain money by means of material false and fraudulent pretenses and representations.

The Mailings

30. On or about the dates listed below, within the Eastern District of Virginia and elsewhere, defendant Marlene Dark, for the purpose of executing and attempting to execute the scheme to defraud, did knowingly place and willfully cause to be placed in a post office and authorized depository for mail matter to be sent and delivered by the postal service the matters and things listed below, addressed to the party listed below and from the person listed below:

| <u>Count</u> | <u>Date</u> | <u>Item mailed</u> | <u>From</u>                                | <u>To</u>                 |
|--------------|-------------|--------------------|--|---------------------------|
| 9.           | 8/9/00      | Bank Statement     | Navy Federal<br>Credit Union<br>Vienna, VA | GWC<br>Upper Marlboro, MD |
| 10.          | 11/9/00     | Bank Statement     | Navy Federal<br>Credit Union<br>Vienna, VA | GWC<br>Upper Marlboro, MD |
| 11.          | 12/9/00     | Bank Statement     | Navy Federal                               | GWC                       |

|     |        |                |  |                           |
|-----|--------|----------------|--|---------------------------|
|     |        |                | Credit Union<br>Vienna, VA                 | Upper Marlboro, MD        |
| 12. | 1/9/01 | Bank Statement | Navy Federal<br>Credit Union<br>Vienna, VA | GWC<br>Upper Marlboro, MD |
| 13. | 2/9/01 | Bank Statement | Navy Federal<br>Credit Union<br>Vienna, VA | GWC<br>Upper Marlboro, MD |
| 14. | 8/9/01 | Bank Statement | Navy Federal<br>Credit Union<br>Vienna, VA | GWC<br>Upper Marlboro, MD |

(In violation of Title 18, United States Code, Sections 1341 and 2).

A TRUE BILL

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FOREPERSON  
Alexandria, Virginia  
Date:

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PAUL J. McNULTY  
UNITED STATES ATTORNEY

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Justin W. Williams  
Assistant United States Attorney  
Chief, Criminal Division

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Dana J. Boente  
Assistant United States Attorney

You may wish to attach a copy of the falsely made and forged security to the indictment. The "cause to be transported" comes from 18 U.S.C. Sec. 2(b). See *Pereira v. United States*, 347 U.S. 1 (1953).

For venue see 18 U.S.C. Sec. 3237.